

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA BOOZE	:	CIVIL ACTION NO. 1:CV-13-cv-2139
	:	
Plaintiff	:	(JUDGE KANE)
	:	(Magistrate Judge Carlson)
v.	:	
	:	
JOHN WETZEL, et al.	:	
	:	
Defendants	:	

ORDER

Before the Court in the captioned action is a August 5, 2015 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

Accordingly, on this 2nd day of September 2015, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT** the Court adopts the Report and Recommendation of Magistrate Judge Carlson. Defendants' Motion to Dismiss the Complaint (Doc. No. 40) is **GRANTED, in part:**

- 1) Any claims pre-dating August 2011 are **DISMISSED** as time-barred.
- 2) Booze's due process claims relating to his placement in AC custody, designation on the RRL, and continued restricted housing custody are **DISMISSED**.
- 3) Booze's supervisory liability claims against defendants Wetzel, Klopotoski, Varano, Ellett, Miller, Luscavage, and Miller are **DISMISSED**.
- 4) Booze's retaliation, civil conspiracy, and access to courts claims, as pleaded, are **DISMISSED**.

5) Booze's pendant state law intentional tort claims are **DISMISSED**.

In all other respects the Motion to Dismiss is **DENIED**. The case is referred to Magistrate Judge Carlson for further pre-trial management

s/ Yvette Kane
YVETTE KANE, District Judge
United States District Court
Middle District of Pennsylvania